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6 Attorneys for Plaintiffs
7 WARNER BROS. RECORDS INC.;
CAPITOL RECORDS, INC.;
8 UMG RECORDINGS, INC.;
SONY BMG MUSIC ENTERTAINMENT;
9 INTERSCOPE RECORDS; and FONOVisA, INC.

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 WARNER BROS. RECORDS INC., a Delaware
14 corporation; CAPITOL RECORDS, INC., a
Delaware corporation; UMG RECORDINGS,
15 INC., a Delaware corporation; SONY BMG
16 MUSIC ENTERTAINMENT, a Delaware
general partnership; INTERSCOPE RECORDS,
17 a California general partnership; and
FONOVisA, INC., a California corporation,

18 Plaintiffs,

19 v.

20 SERGIO OMAR CASTILLO,

21 Defendant.
22

Case No. 3:06-CV-04244-MHP

Honorable Marilyn H. Patel

**PLAINTIFFS' *EX PARTE* APPLICATION
TO VACATE DEFAULT JUDGMENT AND
[PROPOSED] ORDER**

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1 Plaintiffs respectfully request to vacate the default judgment entered against Defendant
2 Sergio Omar Castillo on May 21, 2007, on the grounds that Plaintiffs are in settlement discussions
3 with a third party. Plaintiffs will promptly file all appropriate paperwork with the Court.
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5 Dated: June 29, 2007

THOMAS M. KERR
HOLME ROBERTS & OWEN LLP

7 By: /s/ Thomas Kerr
8 Thomas Kerr
9 Attorney for Plaintiffs

10 **[PROPOSED] ORDER**

11 It appearing that good cause has been shown, it is therefore ORDERED that Plaintiffs'
12 Motion is GRANTED and the default judgment entered against Defendant is vacated.
13

14
15 Dated: 7/3/2007

By:



PROOF OF SERVICE

STATE OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO

I am employed in the office of Holme Roberts & Owen in San Francisco, California. I am over the age of eighteen years and not a party to the within action. My business address is 560 Mission Street, 25th Floor, San Francisco, CA 94105.

On June 29, 2007, I served the foregoing documents described as:

PLAINTIFFS' MOTION TO VACATE DEFAULT JUDGMENT AND [PROPOSED]

ORDER

on the interested party in this action by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

Sergio Omar Castillo
71 Valley St.
San Francisco, CA 94110

X BY MAIL: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

X (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on June 29, 2007 at San Francisco, California.


Molly Morris